

**SUBJECT:** Hearing authorization for Order RR-04-11, proposed rules affecting chs. NR 700 to 754 regarding the investigation and cleanup of Brownfield's and other contaminated properties.

**FOR:** JANUARY, 2012 BOARD MEETING

**TO BE PRESENTED BY / TITLE:** Mark Gordon/Policy and Technical Resources Section Chief

**SUMMARY:**

The Remediation and Redevelopment Program proposes to revise a majority of the rules in the NR 700 administrative rule series. These rules provide comprehensive requirements for the investigation and remediation of contaminated property. Although several additions and revisions to these rules have been made since they were originally promulgated over 15 years ago, those changes were focussed on some very specific issues. These proposed changes are intended to address the many statutory, policy and technical changes that have occurred since that time.

The major policy issues being addressed by these rule revisions are: 1) modifying many of the rules to remove the references to deed restrictions which were replaced with passage of Wisconsin Act 418; 2) removal of the simple site process which was originally included to provide responsible parties with the ability to self certify closure as this option has not been used in many years; 3) eliminating ch. NR 710 because the statutory provision to inventory sites was repealed and use of the hazard ranking system is no longer needed to evaluate sites; 4) consolidating the sections in NR 718 on management of contaminated soil, 5) revising NR 720 to account for updated methodology developed by U.S. EPA for calculating site specific soil cleanup standards, 6) revising NR 722 to require an evaluation of sustainability for the selected remedy, 7) simplifying the case closure requirements by splitting NR 726 into 3 separate rules as the current rule is lengthy and complicated, 8) adding provisions to NR 726 and several other rules that provide options for addressing the vapor intrusion pathway, 9) removing many of the provisions in NR 746 dealing with the cleanup of petroleum contaminated sites that are either seldom used or are technically unsound, and 10) increasing the fees in NR 749 to account for increased costs since the rule was originally promulgated in 1998.

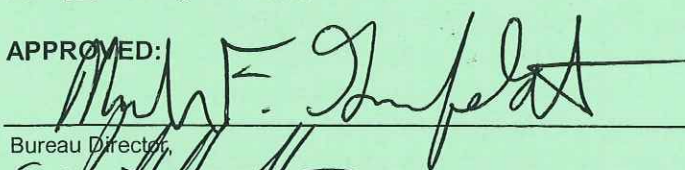
**RECOMMENDATION:** That the Board authorize the Department to hold hearings on Order RR-04-11.

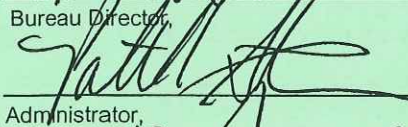
**LIST OF ATTACHED MATERIALS:**

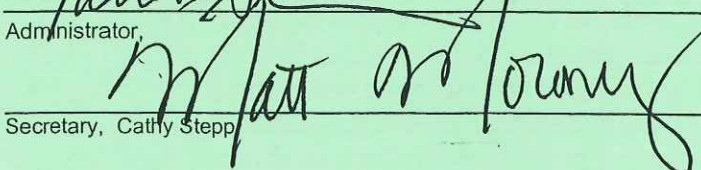
No ☐ Fiscal Estimate Required  
No ☒ Environmental Assessment or Impact Statement Required  
No ☐ Background Memo

Yes ☒ Attached  
Yes ☐ Attached  
Yes ☒ Attached

**APPROVED:**

  
Bureau Director,

  
Administrator,

  
Secretary, Cathy Stepp

12/16/11  
Date

12/21/11  
Date

12/22/11  
Date

cc: NRB Liaison  
DNR Rules Coordinator



## STAFF REVIEW - DNR BOARD AGENDA ITEM

## REMINDER

Have the following questions been answered under the summary section of this form?

- Why is the rule needed?
- What are the significant changes?
- What are the key issues/controversies?
- What was the last action of the Board?

## LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background Memo (if needed)\*

Background Memo (if needed)\*

Fiscal Estimate

Response Summary

Environmental Assessment (if needed)

Fiscal Estimate

Rule

Environmental Assessment (if needed)

Rule

\* If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Management and Budget	Pal N 12/16/11	12/16/11	
Legal Services -Program Attorney -DNR Rules Coordinator	Kathleen Strubbe Program Att Linda Haddy	12-14-11 12-19-11	
Other (if applicable)			